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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 United States of America,

10 Plaintiff,

11 v.

12 Melissa Lopez-Delgado,

13 Defendant.
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) CR-13-1095-PHX-DLR
) (Supervised Release Violation)

) FINDINGS AND
) RECOMMENDATION OF THE
) MAGISTRATE JUDGE UPON
) ADMISSION

15 TO THE HONORABLE DOUGLAS L. RAYES, UNITED STATES DISTRICT JUDGE.

16 Upon Defendant's request to enter an admission to a violation(s) of supervised release,
17 pursuant to Rule 57.6(d)(4) of the Local Rules of Criminal Procedure, this matter came on for
18 hearing before United States Magistrate Judge Michelle H. Burns on September 18, 2018, with
19 the written consents of Defendant, counsel for Defendant, and counsel for the United States of
20 America.

21 In consideration of that hearing and the statements made by the Defendant under oath
22 on the record, and in the presence of counsel, and the remarks of the Assistant United States
23 Attorney and of counsel for Defendant,

24 **I FIND** as follows:

25 (1) that Defendant understands the nature of the supervised release violation(s) alleged
26 and the nature of the violation to which Defendant is admitting;

27 (2) that Defendant understands the right to a revocation hearing, to persist in denials,
28 to the assistance of counsel, and appointed counsel if necessary at every stage of the proceedings,

1 to confront and cross-examine adverse witnesses, the right compelled self-incrimination, to testify
2 and present evidence, and to compel the attendance of witnesses;

3 (3) that Defendant understands that by admitting to a supervised release violation
4 waives the right to a revocation hearing;

5 (4) that Defendant understands that answers may later be used in a prosecution for
6 perjury or false statement;

7 (5) that Defendant understands the maximum disposition for the supervised release
8 violation, including imprisonment, fine and supervised release, and where applicable any
9 mandatory minimum penalty; that Defendant understands that the disposition guidelines are
10 advisory, not mandatory, and that the disposition judge may depart from those guidelines;

11 (6) that Defendant's admission to violating supervised release have been knowingly,
12 intelligently and voluntarily made and is not the result of force or threats or of promises between
13 the parties;

14 (7) that Defendant is competent to admit to a supervised release violation;

15 (8) that Defendant is satisfied with the representation provided by defense counsel; and
16 further,

17 (9) that there is a factual basis for Defendant's admission; and,

18 **I RECOMMEND** that the Defendant's admission be accepted.

19 **O R D E R**

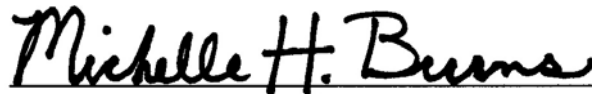
20 IT IS ORDERED that any objection to the admission proceedings and any requests for
21 supplementation of those proceedings must be made by the parties in writing and shall be specific
22 as to the objections or requests made. All objections or requests for supplementation shall be filed
23 within fourteen (14) days of the date of service of a copy of these findings unless extended by an
24 Order of the assigned District Judge.

25 IT IS FURTHER ORDERED no more than ten (10) character letters shall be submitted
26 by defense counsel in criminal cases, unless otherwise ordered by the court.

1 IT IS FURTHER ORDERED original letters must be submitted by defense counsel in
2 paper form with the original to the U.S. Probation Office and copies to the sentencing judge and
3 opposing counsel at least five (5) business days prior to the hearing. Character letters shall not be
4 mailed directly to the sentencing judge by any family members or other persons writing in support
5 of the defendant. Character letters or a notice of such shall not be filed electronically unless
6 otherwise ordered by the court.

7 IT IS FURTHER ORDERED that any motions for upward or downward departures or
8 and any disposition memoranda must be filed at least seven (7) business days prior to the
9 disposition date. Responses are due at least three (3) business days prior to the disposition date.
10 Any motion to continue disposition must be filed promptly upon discovery of the cause for
11 continuance and must state the cause with specificity. Motions to continue disposition filed less
12 than fourteen (14) days before disposition are disfavored. If either party intends to call a speaker
13 at sentencing, other than the Defendant, counsel must notify the Courtroom Deputy at least three
14 (3) business days in advance.

15 DATED this 19th day of September, 2018.

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18 Michelle H. Burns
19 United States Magistrate Judge
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